

## **MINUTES OF A SPECIAL COUNCIL MEETING**

**FEBRUARY 2, 2004**

The Hollywood Park City Council met in a special meeting February 2, 2004 at 7:03 p.m. in Town Hall. Notice was posted in accordance with Texas Open Meeting Laws.

Mayor Martinez called the meeting to order with the following Council present: Richard McIlveen, Ellen Alkire, Wendy Taylor, Jerry Miller and W.D. Scott. Also present: City Secretary and City Attorney. Absent: City Administrator

**INVOCATION:** Councilwoman Ellen Alkire gave the invocation.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited.

### **ACTION ITEM:**

#### **CONSIDER APPROVING ORDINANCE #772 AMENDING SECTION 4-90 (E) (4) (A) TO PROVIDE TO QUALIFIED GOVERNMENTAL ENTITIES AN EXEMPTION OF PAYMENT OF THE EXPENSES ASSOCIATED WITH THE TRAPPING, TRANSFERRING AND RELOCATION OF THE DEER FROM THE TOWN OF HOLLYWOOD PARK.**

Councilman McIlveen made a motion to approve Ordinance #772 amending Section 4-90 (e) (4) (a) to provide to qualified Governmental Entities an exemption of payment of the expenses associated with the trapping, transferring and relocation of the deer from the Town of Hollywood Park. Councilwoman Alkire seconded the motion. The Mayor said that there is an indication that Camp Bullis has made a proposal permit requisition to take deer on the TTT program. The City Attorney said that we are talking about Camp Bullis when in reality you're talking in terms of the United States Government. He further said that there are constitutional prescriptions that prevent the expenditure of taxpayer public funds to private individuals although the United States of America is not a private individual so it is not applicable. He said we are amending the code to exempt out other governmental entities in order to clear things up so there is no misunderstanding. Mayor Martinez said that since we had the offer and our ordinance prohibits it completely, this amendment is to exempt the governmental entity. Councilman Miller asked about the number of deer and the time frame. Mayor Martinez said that he had talked to the Texas Parks and Wildlife Department and Camp Bullis has submitted their pre-requisite of the application for a permit. He said that he has been advised by the Parks and Wildlife that as soon as the rest of the permit has been completed by the testing, that they will grant the permit for 143 deer. He further said that the time frame is as soon as we get the results back from the testing. After discussion and questions Councilwoman Taylor said that she was unclear in her understanding of the state law regarding the expenditure of public funds for the benefit of private individuals or entities. The vote was: YEAS: McIlveen, Alkire, Miller, Scott; NAY: Taylor. The motion passed 4-1.

**CONSIDER ORDINANCE #772 AMENDING SECTION 4-90 ( C ) (D)**  
**MODIFYING THE REQUIREMENT OF AN ANNUAL DEER CENSUS REPORT**  
**AND TO MAKE SUCH REPORTS DISCRETIONARY.**

Councilman McIlveen made a motion to approve Ordinance #772 amending Section 4-90 (c) (d) modifying the requirement of an annual deer census report and to make such reports discretionary. Councilwoman Alkire seconded the motion. Mayor Martinez said that he had consulted with the City Attorney and what they discovered on the Ordinance that was passed two years ago, that particular section required a mandatory report on an annual basis. He further said that the Texas Parks and Wildlife Department has no requirement or protocol as far as establishing what are requirements for deer census. The City Attorney said that the Texas Parks and Wildlife Department doesn't approve a census but they approve the methodology. The Mayor said what we are doing in this case, instead of being required to do something that we may not even utilize every year and reporting on something that may not be of use to us and involve expense, is to make it discretionary. Councilman Miller asked when would a survey be conducted. Mayor Martinez said that the Deer Committee would look at it on a periodic annual basis and make a recommendation to Council, and then the Council would direct the Mayor to get a census. He further said that if there were no deer control committee for that year then there would no reason to conduct a census. Councilwoman Taylor questioned the removal of the mandatory annual survey of the deer. The City Attorney said that the Council could call for a deer survey at anytime. After discussion, the vote was: YEAS: McIlveen, Alkire, Miller, Scott; Nay: Taylor. The motion passed 4-1.

**The above items were drafted into one Ordinance.**

**MISCELLANEOUS:**

Mayor Martinez said that we are hoping to implement the (TTT) Trap, Transport, and Transplant Process by the March 31<sup>st</sup>. He further said that approximately 14 have been trapped and our goal is 30 deer.

**ADJOURNMENT:**

They're being no further business; the Mayor adjourned the meeting at 7:28 p.m.

**MINUTES OF THIS MEETING APPROVED AS SUBMITTED ( )**  
**CORRECTED ( ) THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2004.**

\_\_\_\_\_  
Mayor Sean P. Martinez

ATTEST:

\_\_\_\_\_  
Barbara M. Haddock, City Secretary